PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

January 15, 2008

Consent [X]

Regular []

Public Hearing []

Submitted By:

Water Utilities Department

Submitted For: Water Utilities Department _____ _______

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Partial Release of Utility Easement on land owned by Woolbright Jog LLC, a Florida limited liability company, its successors and assigns.

Summary: This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County in Book 13748, Page 1792 and as described on Pages 1793 through 1795. The proposed development plans for the shopping center, on the NW corner of Woolbright Road and Jog Road, include structures within an existing utility easement. Woolbright Jog LLC agreed to relocate existing utilities and grant a new utility easement, as directed by the County. The property owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. There is no cost to the property owner for this partial release of easement. District 3 (JB)

Background and justification: On May 24, 2002, a utility easement was granted to Palm Beach County by Madison 1, LLC, (ORB 13748, 1792), over a sanitary sewer main within Block 56 of the Palm Beach Farms Company Plat 3, as recorded in Plat Book 2, Pages 45 thru 54, serving improvements constructed with Phase I of the Development.

The property was replatted (July 10, 2007) as Plat of Shoppes of Madison, MUPD, as recorded in Plat Book 110, Page 55 thru 57, Public Records of Palm Beach County, Florida. Woolbright Jog LLC purchased the property on July 17, 2007. Proposed Phase II improvements encroach into the existing easement. Woolbright Jog LLC agreed to relocate the sanitary sewer, subject to approval from the County. The property owner is now requesting the release of the portion of the easement that the County has determined that it no longer needs.

Attachments:

- 1. Two (2) original Partial Release of Utility Easement
- 2. Location Map
- 3. One (1) copy of the May 24, 2002 Utility Easement (ORB 13748, 1792)
- 4. Copy of Deed to Woolbright Jog LLC (ORB 21945/654)
- 5. Copy of Deed to Woolbright Jog LLC (ORB 21945/657)
- 6. Copy of Deed to Woolbright Jog LLC (ORB 21945/1835)
- 7. Copy of Deed to Woolbright Jog LLC (ORB 21945/1837)

Recommended By: Department Director

12 | 27 | 07 Date 1/3 | 2008

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012			
Capital Expenditures External Revenues Program Income (County) In-Kind Match County	<u>0</u> 0 0	<u>O</u> <u>O</u> <u>O</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u>			
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>			
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>			
Budget Account No.: Fu	nd	Dept	Unit	Obje	ect			
Is Item Included in Current E	Budget?	Yes	No ategory <u>N//</u>	<u> </u>				
B. Recommended Sou	rces of Fu	nds/Summary N/A	y of Fiscal Ir	npact:				
C. Department Fiscal F	Review:	Suy	Egytr	u				
III. REVIEW COMMENTS								
A. OFMB Fiscal and/or No Fiscal OFMB			and Contro	1. Iso	old 121	<i>28)0</i> 7		
B. Legal Sufficiency: June Bure Assistant County Atto	12/ orney	128/07	Trolo					

This summary is not to be used as a basis for payment.

Other Department Review:

Department Director

C.

Prepared by and return to: Palm Beach County Water Utilities Department Attn: Plan Review 8100 Forest Hill Blvd West Palm Beach, FL 33413

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT, executed thisday of,2008, by Palm Beach County, a political subdivision of the State of Florida, first party, c/o Water Utilities Department, 8100 Forest Hill Blvd, West Palm Beach Florida 33413, to Woolbright Jog LLC whose address is 3200 North Military Trail, Floor 2300 Raton, FL 33431, second party:	of

WITNESSETH:

THAT the first party, for and in consideration of the sum of \$10.00 (Ten Dollars) in hand paid by the second party, the receipt of which is hereby acknowledged, wishes to terminate, renounce, and release a portion of that UTILITY EASEMENT recorded in Official Records Book 13748, Page 172, Public Records of Palm Beach County, Florida.

THEREBY, the first party hereby releases any and all of its rights, title, and interest in that portion of the UTILTY EASEMENT as shown in the sketch and legal description attached hereto and incorporated herein as Exhibit "A."

IN WITNESS WHEREOF the first party has caused this PARTIAL RELEASE OF UTILITY EASEMENT to be executed as of the day and year first written above.

ATTEST:	
Sharon R. Bock, Clerk	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
By: Deputy Clerk	By:Addie L. Greene, Chairperson
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: County Attorney	

2035 VISTA PARKWAY, SUITE 100 WEST PALM BEACH, FL 33411
(866) 909-2220 phone (561) 687-1110 fax
CERT No. 6091 - LB No. 7055
JACKSONVILLE - ORLANDO - PORT ST. LUCIE - TAMPA
www.wantmangroup.com

DESCRIPTION & SKETCH PREPARED FOR: WOOLBRIGHT DEVELOPEMENT, INC.

LEGAL DESCRIPTION: Partial Release of Existing Utility Easement

A portion of that certain utility easement as described in Official Records Book 13748, at Page 1792 and recorded in the Public Records of Palm Beach County, Florida, lying in a portion of Tracts "A" and "BT1", SHOPPES OF MADISON M.U.P.D., according to the Plat thereof, as recorded in Plat Book 110, at Page 55 through 57 inclusive, of the Public Records of Palm Beach County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of said Plat; Thence South 89°30'17" West along the North boundary of said Plat, for 316.13 feet to the POINT OF BEGINNING, said point being on an East line of aforesaid utility easement, the following three (3) courses being along said East line; Thence departing aforesaid North boundary of said Plat South 02°01'29" East, for 276.82 feet; Thence South 00°11'21" East, for 300.22 feet; Thence South 02°13'15" West, for 192.02 feet, said point being on the North line of that certain non—exclusive easement as described in Official Records Book 13039, at Page 1896, having a partial release as described in Official Records Book 15787, at Page 489 and both recorded in the Public Records of Palm Beach County, Florida; Thence departing aforesaid East line of said utility easement North 89°53'40" West along said North line, for 20.02 feet, said point being on a West line of aforesaid utility easement, the following three (3) courses being along said West line, said point also hereinafter known as Point A; Thence North 02°13'15" East, for 192.42 feet; Thence North 00°11'21" West, for 299.48 feet; Thence North 02°01'29" West, for 277.03 feet, said point being on aforesaid North boundary of said Plat; Thence daparting aforesaid West line North 89°30'17" East along said North boundary, for 20.01 feet to the POINT OF BEGINNING.

(Continued on Sheet 2)

(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)

SURVEYOR'S NOTES

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY WANTMAN GROUP, INC., THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

2. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY WANTMAN GROUP, INC. FOR EASEMENTS AND RIGHTS—OF—WAY OF RECORD,

3. DATA SHOWN HEREON WAS COMPILED FROM OTHER INSTRUMENTS AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

4. BEARINGS BASED ON THE NORTH LINE OF THE PLAT OF SHOPPES OF MADISON M.U.P.D., P.B. 110, PG. 55—57 P.B.C.R., SAID NORTH LINE HAVING A BEARING OF N 89°30'17" E AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATIVE THERETO. 5. WANTMAN GROUP, INC., CERTIFICATE OF AUTHORIZATION No. 7055, IS ISSUED BY THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

CERTIFICATION:

I HEREBY CERTIFY that the attached Description and Sketch is true and correct to the best of my knowledge and belief and that it meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors And Mappers in Chapter 61G17-6, Florida Administrative Code.

For The Firm: Wantman Group, inc.

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DATE:	REVISION:	BY:	BY:	erek	- Ser	man !	DATE: 11/8/07
10/18/07	REVISED PER ENGINEERING CHANGES	MRG		G. ZEMAN, GIONAL SU		ND MAPPER FLO	ORIDA LICENSE NO. 5655
11/08/07	REVISED PER ENGINEERING CHANGES	MRG	OFFICE	MRG	DATE	10/04/07	JOB 106659.00
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2035 VISTA PARKWAY, SUITE 100 WEST PALM BEACH, FL 33411
(866) 909-2220 phone (561) 687-1110 fax
CERT No. 6091 - LB No. 7055
JACKSONVILLE - ORLANDO - PORT ST. LUCIE - TAMPA
www.wantmangroup.com

DESCRIPTION & SKETCH
PREPARED FOR:
WOOLBRIGHT DEVELOPEMENT, INC.

(Continued from Sheet 1)

TOGETHER WITH:

A portion of that certain utility easement as described in Official Records Book 13748, at Page 1792 and recorded in the Public Records of Palm Beach County, Florida, lying in a portion of Tracts "A" and "BT1", SHOPPES OF MADISON M.U.P.D., according to the Plat thereof, as recorded in Plat Book 110, at Page 55 through 57 inclusive, of the Public Records of Palm Beach County, Florida, and being more particularly described as follows:

COMMENCE at said Point A, said point being on a West line of said utility easement, the following two courses (2) being along said West line and a North line of said utility easement; Thence South 02°13'15" West, for 19.29 feet; Thence South 89°51'56" West, for 43.10 feet to the POINT OF BEGINNING, said point being on the West line of that certain non-exclusive easement as described in Official Records Book 13039, at Page 1896, having a partial release as described in Official Records Book 15787, at Page 489 and both recorded in the Public Records of Palm Beach County, Florida; Thence departing aforesaid North line of said utility easement South 00°08'04" East along aforesaid West line of said non-exclusive easement, for 30.00 feet, said point being on a South line a West line and a North line of said utility easement. Thence departing aforesaid West line of said non-exclusive easement South 89°51'56" West, for 20.00 feet; Thence North 00°08'04" West, for 30.00 feet; Thence North 89°51'56" East, for 20.00 feet to the POINT OF BEGINNING.

Subject to existing easements, rights-of-way, covenants, reservations and restrictions of record, if any.

Said lands lying and situate in Palm Beach County, Florida.

DATE:	REVISION:	BY:				
10/18/07	REVISED PER ENGINEERING CHANGE	S MRG	(NOT	A SURV	YEY-DESCRIPTION	AND SKETCH ONLY)
11/08/07	REVISED PER ENGINEERING CHANGE	S MRG	OFFICE	MRG	DATE 10/04/0	7 JOB 106659.00
			CHECKED	DGZ	SHEET 2 OF 4	DWG 65900_UE-ABAND

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P.B.

DATE:

10/18/07

11/08/07

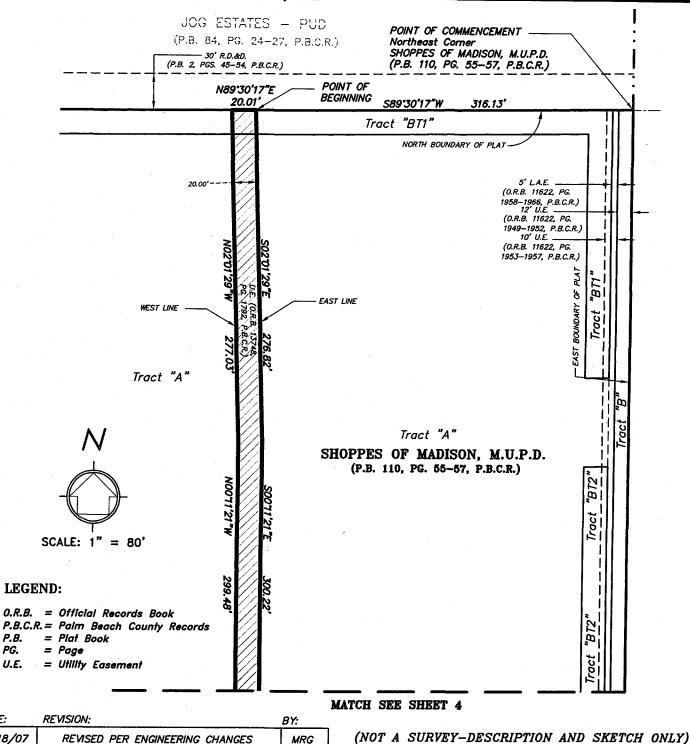
REVISED PER ENGINEERING CHANGES

REVISED PER ENGINEERING CHANGES

Wantman Group, Inc.

Engineering & Planning & Surveying & Environmental 2035 VISTA PARKWAY, SUITE 100 WEST PALM BEACH, FL 33411 (866) 909-2220 phone (561) 687-1110 fax CERT No. 6091 - LB No. 7055 JACKSONVILLE - ORLANDO - PORT ST. LUCIE - TAMPA www.wantmangroup.com

DESCRIPTION & SKETCH PREPARED FOR: WOOLBRIGHT DEVELOPEMENT, INC.



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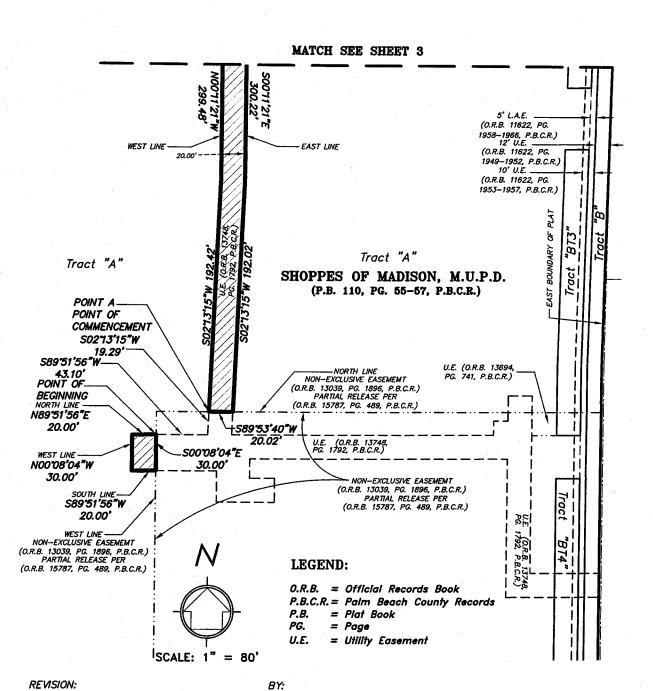
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Engineering & Planning & Surveying & Environmental 2035 VISTA PARKWAY, SUITE 100 WEST PALM BEACH, FL 33411 (866) 909–2220 phone (561) 687–1110 fax CERT No. 6091 – LB No. 7055 JACKSONVILLE – ORLANDO – PORT ST. LUCIE – TAMPA www.wantmangroup.com

DESCRIPTION & SKETCH
PREPARED FOR:
WOOLBRIGHT DEVELOPEMENT, INC.



MRG

MRG

OFFICE

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(NOT A SURVEY-DESCRIPTION AND SKETCH ONLY)

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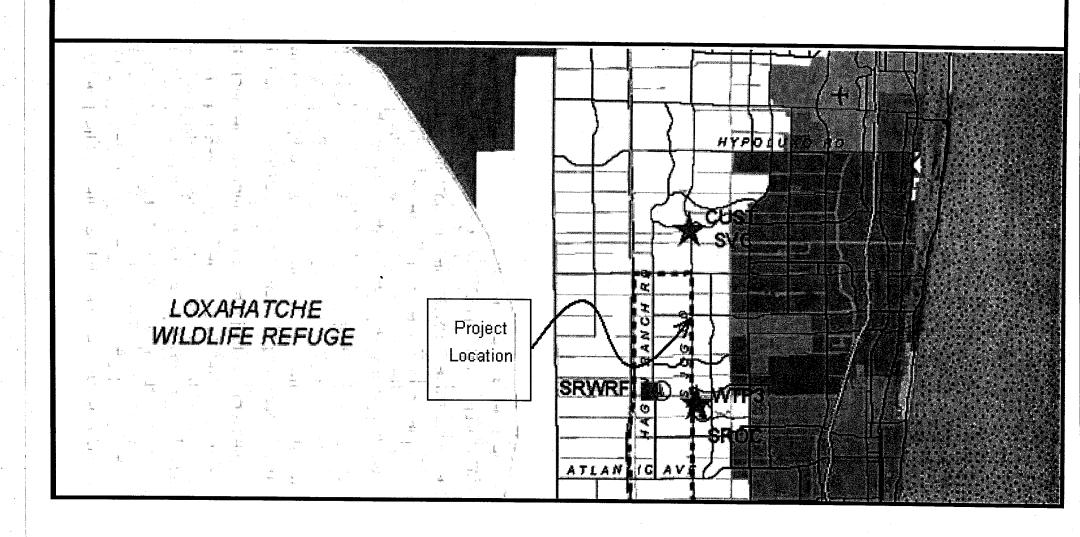
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MRG

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SHEET

Location Map



SDA #
Prepared by and Return to:
Palm Beach County Water Utilities Department
P.O. Box 16097 Attn: Engineering Div.
West Palm Beach, Florida 33416-6097

05/29/2002 14:11:20 20020270451 OR BK 13748 PG 1792

Palm Beach County, Florida

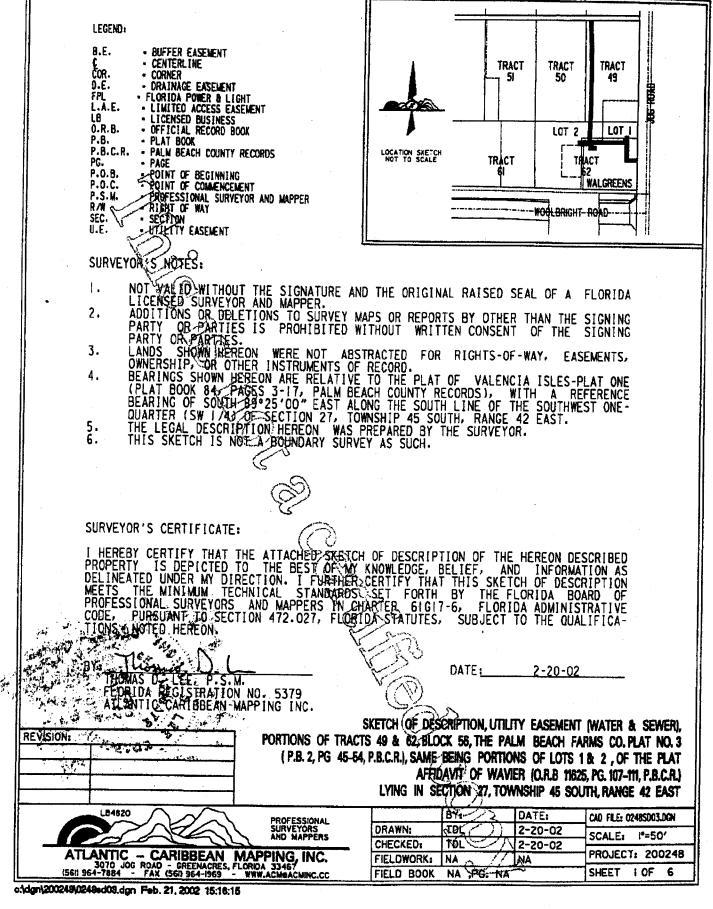
UTILITY EASEMENT

THIS EASEMENT is made, granted and entered into this 23rd day of May, 2002, by Madison 1, LLC (hereinafter referred to as "Grantor"), whose address is 1555 Palm Beach Lakes Blyd., #1208 West Palm Beach, FL 33401 to Palm Beach County (hereinafter referred to as "Grantee"), c/o Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida 33416-6097.

WITNESSETH

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual utility easement which shall permit Grantee authority to enter upon the property of the Granteer at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, the into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the easement premises. This utility easement or portion thereof can also be utilized for a wastewater pump station and may be fenced in for access control purposes. The easement hereby granted covers a strip of land lying, situate and being in Palm Beach County, Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF Grantor hereby covenants with Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement free and clear of mortgages and other encumbrances unless specifically stated to the contrary. IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal as of the date first above written. WITNESSES: **GRANTOR:** Signed, sealed and delivered in the presence of: Witness/Signature Signature JANIE Herbert F. Kahlert, Managing Member Print Name Print Name (and Title if applicable) Witness Signature Signature Print Name Print-Name (and Title if applicable) (SEAL) NOTARY CERTIFICATE STATE OF FLORIDA COUNTY OF PALM BEACH The foregoing instrument was acknowledged before me this by LERBERT F KANLERT and 2002 who is/are personally known to me-or who has produced My Commission Expires: Notary Signature G U 5T 1 Janie E. Gustus E Commission # CG 874578
Expires Oct. 8, 2003
Bonded Thru
Atlantic Bonding Co., Inc. Typed, Printed of Starnped Name of Notary



LEGAL DESCRIPTION:

PORTIONS OF TRACTS 49 AND 62, BLOCK 56, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAME BEING PORTIONS LOTS I AND 2 OF THE AFFIDAVIT OF WAVIER AS RECORDED IN OFFICIAL RECORD BOOK 11625, PAGE 107 THRU 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 21/10 TOWNSHIP 45 SOUTH, RANGE 42 EAST: THENCE NORTH 00°08'04" WEST ALONG THE EAST, LINE OF THE SAID SOUTHWEST ONE-QUARTER (SW 1/4), A DISTANCE OF 209.59 FEET: THENCE SQUIN 89°51'56" WEST, 86.00 FEET THE WEST RIGHT OF WAY LINE OF JOG ROAD AS SHOWN (1). OFFICIAL RECORD BOOK 10409, PAGE 994, OF THE PUBLIC RECORDS OF PALM BEACH SCUNTY, FLORIDA, SAME BEING THE EAST LINE OF SAID LOT I AND THE POINT OF BEGINNING: THENCE SOUTH 89°51'56" WEST, 106.00 FEET; THENCE SOUTH 89°51'56" WEST), 216.30 FEET; THENCE NORTH 00°08'04" WEST, 114.86 FEET; THENCE SOUTH 89°51'56" WEST), 216.30 FEET; THENCE SOUTH 00°08'04" WEST, 114.86 FEET; THENCE SOUTH 89°51'56" WEST), 21.13 FEET; THENCE SOUTH 00°08'04" WEST, 20.00 FEET; THENCE SOUTH 89°51'56" WEST, 48.63 FEET; THENCE NORTH 00°08'04" WEST, 20.00 FEET; THENCE SOUTH 89°51'56" WEST, 30.00 FEET; THENCE NORTH 00°08'04" WEST, 26.00 FEET; THENCE SOUTH 89°51'56" SOUTH 89°51'56" EAST, 21.13 FEET; THENCE NORTH 00°08'04" WEST, 26.00 FEET; THENCE SOUTH 89°51'56" EAST, 21.71 FEET; THENCE NORTH 00°08'04" WEST, 26.00 FEET; THENCE NORTH 00°08'04" WEST, 26.00 FEET; THENCE SOUTH 00°08'04" WEST, 26.00 FEET; THENCE NORTH 00°08'04" WEST, 26.00 FEET; THENCE NORTH 00°08'04" WEST, 21.71 FEET; THENCE NORTH 00°11'21" WEST, 29°48 FEET; THENCE NORTH 00°11'21" EAST, 21.71 FEET; THENCE NORTH 00°11'21" EAST, 300.22 FEET; THENCE SOUTH 00°08'04" WEST, 21.00 FEET; THENCE NORTH 89°30'17" EAST ALONG SAID NORTH LINES, 20.01 FEET; THENCE NORTH 89°51'56" EAST, 21.00 FEET; THENCE NORTH 00°08'04" WEST, 21.00 FEET; THENCE NORTH 89°51'56" EAST, 21.00 FEET; THENCE NORTH 00°08'04" WEST, 21.00 FEET; THENCE NORTH 89°51'56" EAST, 20.00 FEET; THENCE NORTH 00°08'04" EAST, 147.86 FEET; THENCE NORTH 00°08'04"

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 0.6621 ACRE (28,842.63 SQUARE FEET) MORE OR LESS

SKETCH OF DESCRIPTION, UTILITY EASEMENT (WATER & SEWER). REVISION: PORTIONS OF TRACTS 49 & 62, BLOCK 56, THE PALM BEACH FARMS CO. PLAT NO. 3 (P.B. 2, PG 45-54, P.B.C.R.), SAME BEING PORTIONS OF LOTS 1 & 2, OF THE PLAT AFFIDAYIT OF WAVIER (O.R.B 11625, PG. 107-111, P.B.C.R.) LYING IN SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST L84820 DATE: CAD FILE: 0248SD03.DGN PROFESSIONAL SURVEYORS AND MAPPERS // 2-20-02 TOLA DRAWN: SCALE l"=50° CHECKED: TOL 2-20-02 ATLANTIC - CARIBBEAN MAPPING, INC.
3070 JOG ROAD - GREENACRES, FLORIDA 33467
1561) 964-7884 - FAX (561) 964-1969 - WWW.ACMERCHINC.CO PROJECT: 200248 ZINA FIELDWORK: NA / SHEET 2 FIELD BOOK NA .PG. NA

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